

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY BONN IMMEDIATE

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E.O. 11652: N/A

TAGS: OVIP (ARENDT, WALTER), ELAB, SWEL, GW

SUBJECT: PROPOSED US-FRG SOCIAL SECURITY AGREEMENT AND
VISIT OF FRG LABOR MINISTER

REF: BONN 11794

1. DEPARTMENT CALLED IN FRG EMBASSY LEGAL ATTACHE VOSS
JULY 22 TO DISCUSS PROBLEM POSED BY ARTICLE 1 PARAGRAPH 2
OF PROPOSED SOCIAL SECURITY AGREEMENT. THIS POINT CONCERNS
DEFINITION OF "NATIONAL" WHICH, AS REGARDS FRG, IS BASED
ON ARTICLE 116 OF BASIC LAW. INCLUSION OF THIS DEFINITION
IS UNACCEPTABLE TO USG SINCE IT WOULD UNDERMINE EFFORTS IN
OUR CURRENT NEGOTIATIONS WITH THE GDR ON A CONSULAR
CONVENTION TO EXCLUDE A DEFINITION OF GDR NATIONALS. WE
PROPOSE TO DELETE THE DEFINITION OF "NATIONAL," WHICH WILL
NOT AFFECT OPERATION OF AGREEMENT IN ANY EVENT. VOSS
INDICATED THAT FRG EMBASSY WELL AWARE OF PROBLEM AND WOULD
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REPORT OUR VIEWS TO MFA.

2. VOSS INDICATED FURTHER THAT MFA POSITION APPARENTLY FAVORS NOT SIGNING THE AGREEMENT UNTIL AFTER CONGRESS HAS PASSED ENABLING LEGISLATION, AND THAT ARENDT BELIEVES THAT THIS WOULD BE DONE PRIOR TO SEPTEMBER 3. IF THIS IS TRUE, AND GIVEN FACT OF AUGUST CONGRESSIONAL RECESS, THEN THERE IS NO CHANCE OF SUCH LEGISLATION BEING PASSED IN TIME

EVEN THOUGH HEW HAS SUBMITTED REQUEST TO HILL TO DO SO.

IN SPITE OF THE FOREGOING, WE HAVE BEEN GIVEN TO

UNDERSTAND THAT THE MFA PLANS TO OBTAIN BUNDESTAG APPROVAL ONLY AFTER THE AGREEMENT HAS BEEN SIGNED.

3. IN SPITE OF FACT THAT FORMER HEW SECRETARY WEINBERGER HAS RESIGNED, AND INCOMING SECRETARY MATHEWS WILL NOT ASSUME OFFICE UNTIL AUGUST 11, DEPARTMENT

PREPARED TO GO FORWARD ON SEEKING 175 AUTHORITY FOR MATHEWS TO SIGN AGREEMENT ON BEHALF OF USG. THERE IS NO REASON TO ASSUME MATHEWS WOULD NOT AGREE TO DO SO WHEN HEW OFFICIALS BRIEF HIM ON THE SUBJECT. THE DATE OF THE SIGNING WOULD BE LEFT OPEN, HOWEVER.

4. THERE ARE ALSO MINOR LINGUISTIC PROBLEMS WITH THE GERMAN/ENGLISH TEXTS OF THE AGREEMENT WHICH WILL HAVE TO BE WORKED OUT BY TECHNICIANS ON BOTH SIDES BEFORE A SIGNING COULD TAKE PLACE.

5. IN VIEW OF ABOVE, EMBASSY SHOULD CONSULT WITH APPROPRIATE MFA AND LABOR MINISTRY OFFICIALS ASAP TO DISCUSS TIMING PROBLEM AND NEED OF REACHING AGREEMENT ON PROCEDURAL ISSUES. WE WOULD APPRECIATE CLARIFICATION OF APPARENT CONTRADICTION IN REPORTED MFA ATTITUDES THAT ADVANCE USG ENABLING LEGISLATION IS REQUIRED, BUT THAT NONE IS NEEDED ON GERMAN SIDE.

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6. MEANTIME, MINISTER ARENDT'S OFFICE SHOULD BE ALERTED TO POSSIBILITY OF DELAY IN SIGNING DATE PENDING SOME CLARIFICATION OF ABOVE DIFFICULTIES. ARENDT IS OF COURSE WELCOME TO VISIT US IF HE WISHES, AND DEPARTMENT WILL SEEK APPOINTMENTS FOR HIM WITH SECRETARIES OF HEW AND LABOR AS WELL AS WITH GEORGE MEANY. IT SHOULD BE MADE CLEAR, HOWEVER, THAT SEPTEMBER 3 SIGNING OF AGREEMENT MAY BE DIFFICULT. KISSINGER

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